THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.23249 of 2007

Between:

Y.S.Prakash Rao and another.

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PETITIONERS

and

The State of A.P., and others.

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RESPONDENTS

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ORDER:

It is the case of the petitioners that the 1st petitioner is the husband and the 2nd petitioner is the wife and both of them purchased the land admeasuring Ac.1-30 cents in Sy.No.585/3(A) situated at Kothavaripalle Revenue Village, Madanapalle Mandal, Chittoor District, through registered Sale Deeds, dated 24-07-1985. The said land is a patta land but not an assigned land. It is stated that the revenue authorities never had any claim or doubt with regard to the said land. While so, the petitioners made an application for grant of Valuation Certificate and also to supply the list of the properties showing the assigned lands. Pursuant to the said application, the Sub-Registrar Madanapalle, furnished the particulars of the assigned lands issued by the Tahsildhar, Madanapalle, in which the land of the petitioners admeasuring Ac.1-30 cents in Sy.No.585/3 (A) was also mentioned at Sl.No.70. It is stated that there cannot be any justification on the part of the Tahsildhar, Madanapalle, in giving information to the Sub-Registrar, Madanapalle, that the land of the petitioners is an assigned land. Aggrieved by the said action of the Tahsildar, Madanapalle, the petitioners made a representation on 17-09-2007 before the District Collector, Chittoor, to direct the Tahsildar, Madanapalle, to rectify the error committed by him and to issue suitable instructions to the Sub-Registrar, Madanapalle, for taking necessary rectification. It is stated that pending disposal of the said representation, the 2nd respondent is taking steps to dispossess the petitioners from the land in question.

I am not inclined to express any opinion as to whether the land in question is an assigned land or not and even it is an assigned land, the petitioners cannot be evicted from the land in question without following due procedure prescribed under A.P.Assigned Lands (Prohibition of Transfers) Act, 1977. Even, if the petitioners are encroachers, they cannot be evicted from the land in question without following due procedure prescribed under the A.P.Land Encroachment Act, 1905.

Having regard to the facts and circumstances of the case, as the

representation is pending, I am of the opinion that it is just and proper to direct the 1st respondent to consider and dispose of the representation, dated 17-09-2007, in accordance with law.

Accordingly, the writ petition is disposed of directing the 1st respondent to consider and dispose of the representation of the petitioner, dated 17-09-2007, in accordance with law, as expeditiously as possible. Pending disposal of the representation, the respondents are directed not to dispossess the petitioners from the land in question, without following due process of law. There shall be no order as to costs.

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02-11-2007

Prv